

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**PATENT APPLICATION**

John Michael Hergenrother  
Pranav Kalavade

**Prior Application:**

Serial No.: 10/164,202  
Filing Date: June 6, 2002  
Group Art Unit: 2812  
Examiner: H. Jey Tsai  
Status: Allowed



Case: 10-2

**ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D. C. 20231**

**CONTINUATION/DIVISIONAL APPLICATION UNDER 37 CFR § 1.53(b)****SIR:**

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b) of prior Application Serial No. 10/164,202, filed on June 6, 2002 entitled Ultra Thin Body Vertical Replacement Gate MOSFET

Enclosed are the following papers relating to the above-identified application:

1. ☒ Specification (Total Pages: 15)
2. ☒ Drawings (Total Sheets: 4)
3. ☒ Copy of "Declaration and Power of Attorney" from prior application (Total Pages: 4)
4. ☐ Newly executed "Declaration and Power of Attorney" (if **adding** inventors) (Total Pages:     )
5. ☐ Newly executed "Assignment and Agreement" (if **adding** inventors) (Total Pages:     )
6. ☒ Incorporation By Reference

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7. ☐ **DELETION OF INVENTOR(S)**

Signed statement attached (under 37 CFR § 1.63(d)(2)) deleting inventor(s) named in the prior application

8. ☒ Information Disclosure Statement9. ☐ Copy of "Extension of Time"10. ☐ Other:

11. ☒ Cancel the following original claims in the prior application before calculating the filing fee: Claims 16-20

The PTO did not receive the following listed item(s) Listed document in ids  
/NPL/

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELLED AT No. 11 ABOVE				
	NO. FILED	NO. EXTRA	RATE	CALCULATIONS
Total Claims	15-20 =	0	x \$18 =	0
Independent Claims	1- 3 =	0	x \$84 =	0
Multiple Dependent Claims(s), if applicable			+ \$280 =	0
Basic Fee				\$750
			TOTAL FEE	\$750

12. ☒ Amend the specification by inserting before the first line this sentence:

This is a ☐ continuation ☒ divisional of Application Serial No. 10/164,202, filed on 06/06/02.

13. ☒ Preliminary Amendment

14. Amendment Fee:

☒ No additional fee is required.

☐ An additional amendment fee is calculated as follows:

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid For (from above)	Present Extra	Rate	Additional Fee
Total Claims for Fee Purposes		minus			x \$18	
Independent Claims		minus			x \$84	
Multiple Dependent Claim(s) first presented with this amendment, if applicable.					+ \$280	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:						

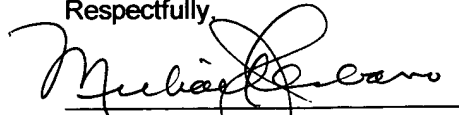
15. Please charge the total amount of \$ 750 to Agere Systems Deposit Account No. 50-1735.

Duplicate copies of this letter are enclosed. In the event of non-payment of improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 50-1735** as required to correct the error.

The Assistant Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR § 1.136 for its timely submission, as incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

Please address all correspondence to me at 1445 Princeton Drive, Bethlehem, PA 18017-9166. All telephone calls should be made to me at 610-691-7710.

Respectfully,



Michael J. Urbano  
Attorney for Applicant(s),  
Reg. No. 24,522

Date: 08/26/03

Express Mail No. EL 989173344 US

Date of Deposit 08/27/03

I hereby certify that this amendment is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37CFR1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC.

Michael J. Urbano: 